

Exhibit 4

[Page 1]
January 7, 2022

UNITED STATES DISTRICT COURT

1

SOUTHERN DISTRICT OF NEW YORK

----- X

ANTHONY RAPP and C.D.,

Civil Action No. 1:20-cv-09586(LAK)

Plaintiffs,

- against -

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

----- X

Zoom Deposition

January 7, 2022

11:03 a.m.

EXAMINATION BEFORE TRIAL of the
Non-Party Witness, ANDREW HOLTZMAN, pursuant to
Notice, held on the above date and time, via
videoconference, taken by and before KRYSTINA KORNAK
FLORA, RPR, a Notary Public within and for the State
of New York.

[Page 6]
January 7, 2022

(1) - ANDREW HOLTZMAN - 6
(2) Scolnick of Keller/Anderle on behalf of
(3) Mr. Fowler.
(4) THE VIDEOGRAPHER: Thank you very much.
(5) The court reporter is Krystina Kornak,
(6) also with Lexitas, and I'm going to ask her
(7) to please now swear in the witness.
(8) A N D R E W H O L T Z M A N ,
(9) called as a witness, having been first duly
(10) sworn by a Notary Public within and for the State of
(11) New York, was examined and testified as follows:
(12) EXAMINATION BY
(13) MR. SAGHIR:
(14) Q. Would you please state your full name
(15) for the record.
(16) A. Andrew Holtzman.
(17) Q. What is your current address?
(18) A. 23 West 73rd Street, New York, New York
(19) 10023.
(20) Q. Good morning, Mr. Holtzman.
(21) A. Good morning.
(22) Q. Mr. Holtzman, I want to focus your
(23) attention on the summer of 1981. Were you working
(24) at that time?
(25) A. I was.

[Page 7]
January 7, 2022

(1) - ANDREW HOLTZMAN -

7

(2) Q. Where?

(3) A. At the New York Shakespeare Festival
(4) Public Theater.

(5) Q. What is the New York Shakespeare
(6) Festival Public Theater?

(7) A. It's a nonprofit theatrical
(8) organization that was based down on Lafayette Street
(9) in lower Manhattan comprised of seven theaters off
(10) Broadway, and they also did free Shakespeare
(11) presentations during the summer in Central Park and
(12) in the outer boroughs.

(13) Q. How long had you been working there as
(14) of 1981?

(15) A. Around one and a half years or so.

(16) Q. Tell us how you got that job at the
(17) Shakespeare Festival?

(18) A. A friend of my brother's, who was in
(19) the television business, knew -- had a good friend
(20) who was working at the Shakespeare Festival as sort
(21) of a developing producer. He had an office with a
(22) partner at The Public. And my brother knew I was
(23) looking for an opportunity. I really didn't know
(24) what it should be. I wanted it to be creative as
(25) possible. I had a love of film, but theater as

(1) - ANDREW HOLTZMAN - 20

(2) A. That was diagonally across from me.
(3) Not directly across. And it was facing the wall.
(4) So it was facing the wall, the window sort of came
(5) above it, stopped above that desk.

(6) Q. And was that second desk closer to the
(7) window or closer to the door?

(8) A. The window.

(9) Q. Mr. Holtzman, did there come a point in
(10) time where you encountered Kevin Spacey while you
(11) were working at the New York Shakespeare Festival?

(12) A. Yes.

(13) Q. When was that?

(14) A. It was in the summer of 1981.

(15) Q. Where?

(16) A. In my office.

(17) Q. Approximately what time was that that
(18) you encountered Mr. Spacey?

(19) A. I know it was during working hours. I
(20) don't remember if it was morning or afternoon.

(21) Q. What was he wearing?

(22) A. Some kind of a windbreaker.

(23) Q. Hold on one second. Mr. Holtzman, just
(24) one moment. Okay. Let me go back. Why don't we
(25) just start the answer over.

(1) - ANDREW HOLTZMAN - 21

(2) What was he wearing?

(3) A. He was wearing a windbreaker. I do not
(4) remember the color. A shoulder bag, I think it was
(5) a leather shoulder bag, and jeans. Blue jeans.

(6) Q. Did you know who he was?

(7) A. I did. And I can honestly say I do not
(8) know why I did. I knew they had just finished the
(9) casting for Henry IV in the park.

(10) Q. Just one second. I'm going --

(11) MR. SAGHIR: Can we just go off the
(12) record. Chase, can we go off the record for
(13) a moment?

(14) MR. SCOLNICK: Sure.

(15) THE VIDEOGRAPHER: We are off the
(16) record. The time is 11:25 a.m.

(17) (Whereupon, a break was taken at
(18) 11:25 a.m.)

(19) (Whereupon, the requested portion of
(20) the record was read back.)

(21) THE VIDEOGRAPHER: We are back on the
(22) record. The time is 11:30 a.m.

(23) Q. So, Mr. Holtzman, did you have an
(24) understanding as to who Mr. Spacey was with respect
(25) to this production?

(1) - ANDREW HOLTZMAN - 22

(2) A. I did. I didn't exactly know what he
(3) was doing in the production, but I knew he was in
(4) the production.

(5) Q. Had you ever met him before he walked
(6) into your office?

(7) A. No, not that I know of. I should say
(8) there are a lot of actors who wander around The
(9) Public Theater whether they're going Shakespeare or
(10) they're rehearsing in The Public. So there's a lot
(11) of people a lot of times that you walk by, but I
(12) have no recollection of ever meeting him before.

(13) Q. Mr. Holtzman, before we go further I
(14) want to take a step back and I want to get a better
(15) understanding of your background, your education,
(16) and the type of work that you had done. Okay?

(17) A. Okay.

(18) Q. What is your date of birth?

(19) A. September 15, 1953.

(20) Q. Where were you born?

(21) A. In New York City.

(22) Q. Did you grow up in New York City?

(23) A. No. No. We moved immediately, pretty
(24) much, to Long Island. To North Bellmore, Long
(25) Island.

(1) - ANDREW HOLTZMAN - 29

(2) A. Since 2009.

(3) Q. I want to direct your attention back to
(4) the point in time when Mr. Spacey walked into your
(5) office. When he walked in where were you sitting?

(6) A. I was sitting at my desk.

(7) Q. What were you doing sitting at your
(8) desk?

(9) A. I was finishing up a phone call.

(10) MR. SAGHIR: Could we go off the record
(11) for a moment, please.

(12) THE VIDEOGRAPHER: We are off the
(13) record. The time is 11:40 a.m.

(14) (Whereupon, a break was taken at
(15) 11:40 a.m.)

(16) THE VIDEOGRAPHER: We are back on the
(17) record. The time is 11:49 a.m.

(18) Q. Mr. Holtzman, when Mr. Spacey walked
(19) into the office where did he go?

(20) A. He went to the desk diagonally across
(21) from mine. This desk was used as a guest desk,
(22) because it was a large office and there happened to
(23) be two desks in there, of which I needed one. So
(24) throughout the time that I was in that office
(25) regularly people came in, whether they were

(1) - ANDREW HOLTZMAN - 30
(2) production people or actors, to use the phone, to
(3) sit, the read, to do whatever they wanted. And, you
(4) know, they were sent there one at a time and so I
(5) was used to people coming in and out all the time.

(6) Q. What, if anything, did you see
(7) Mr. Spacey doing as you were finishing up your phone
(8) call?

(9) A. He took his windbreaker off and sat
(10) down. Took his shoulder bag off and I believe he
(11) took something out of it and was looking at it.

(12) Q. Did there come a point in time when
(13) your call finished?

(14) A. Yes.

(15) Q. Tell us what happened?

(16) A. I thought it was odd that no words were
(17) spoken, not even a "hey." I got at least that from
(18) the people who came into the office, so I thought it
(19) was probably because I was on the phone. So I hung
(20) up and I stood up, and he stood up and sort of
(21) looked at me and made a slow walk forward.

(22) Q. As he was walking toward you what, if
(23) anything, did you observe?

(24) A. The reason I remember he was wearing
(25) blue jeans is because he had a fully erect penis

(1) - ANDREW HOLTZMAN - 31

(2) that was extremely clear to see in his jeans, in
(3) front of his jeans.

(4) Q. Tell us what happened next.

(5) A. I was taken back because there was no
(6) way to miss that. And, still, no words were spoken.
(7) I still kind of wanted to believe he was coming over
(8) just to say hi and he didn't. He reached down to my
(9) crotch, around the scrotum area, and pulled me up
(10) onto the desk, and then he was somewhat on top of me
(11) rubbing, grinding his erection on me.

(12) Q. When you say he reached down to your
(13) crotch, tell us specifically what happened.

(14) A. He reached -- he used it as leverage to
(15) pull me up and onto the side of my desk.

(16) Q. Tell us how you were positioned on your
(17) desk?

(18) A. Sort of legs off the side, being pushed
(19) back.

(20) Q. And at that time what, if anything, was
(21) Mr. Spacey doing?

(22) A. He was doing the grinding, the rubbing
(23) of his erection.

(24) Q. Did Mr. Spacey say anything to you at
(25) that point in time?

(1) - ANDREW HOLTZMAN - 32

(2) A. He said nothing from start to finish of
(3) this incident.

(4) Q. When he was on top of you rubbing and
(5) grinding what, if anything, did you do?

(6) MR. SCOLNICK: Objection. Misstates
(7) the evidence.

(8) MR. SAGHIR: Withdrawn.

(9) Q. When Mr. Spacey was on top of you what,
(10) if anything, did you do?

(11) MR. SCOLNICK: Objection. Misstates
(12) the evidence. Assumes facts.

(13) MR. SAGHIR: Withdrawn.

(14) Q. Where was Mr. Spacey when you were on
(15) the desk?

(16) A. He was on top of me or trying to be.

(17) Q. When Mr. Spacey was on top of you what,
(18) if anything, did you do?

(19) MR. SCOLNICK: Same objection.

(20) Misstates --

(21) A. I yelled.

(22) Q. Tell us what you said.

(23) A. I said, "What the fuck are you doing?
(24) This is my office. Get off." Pretty normal stuff
(25) in such a shocking incident, situation.

(1) - ANDREW HOLTZMAN - 33

(2) Q. When you told him to get off what, if
(3) anything, did he do?

(4) A. I think it -- it was a few -- a few
(5) more seconds before he did anything, and as I
(6) continued to push, and it was pretty clear nothing
(7) was going to be happening here, he got off.

(8) Q. When you say "push," tell us what you
(9) were doing?

(10) A. I was trying to push him off me. My
(11) recollection is I was pushing on his shoulders
(12) because my arms were free.

(13) Q. Did he eventually get off of you?

(14) A. Yes.

(15) Q. Tell us what happened?

(16) A. He stood up and he looked at me --
(17) maybe for the first time really looked at me, and he
(18) was extremely angry, which was scary to me, and then
(19) he turned and when he walked and he grabbed his
(20) stuff from his desk and he stormed out of the room
(21) slamming the door pretty dramatically.

(22) Q. Before we stormed out of the room and
(23) slammed the door, did he say anything to you?

(24) A. Nothing.

(25) Q. Mr. Holtzman, when, if ever that day,

(1) - ANDREW HOLTZMAN -

35

(2) explain what you mean by that?

(3) A. It was fast, it was really quick. I
(4) started to say what did I do to bring this on. Did
(5) I send a signal? Did I do something that gave him
(6) permission to approach me? And I didn't have an
(7) answer, but I was -- I was asking all kinds of
(8) questions about why this would have happened to me.

(9) Q. Did you ever see Mr. Spacey again?

(10) A. I didn't. I was concerned -- I was
(11) very concerned, paranoid, that I would see him at
(12) The Public Theater again, or worse, he would come
(13) back. Neither of which he did.

(14) Q. Why were you concerned or paranoid he
(15) would come back?

(16) A. Because of the anger, I guess, part of
(17) it, and the way he left, and the wordlessness of it.
(18) Like, was this over? Was this finished? So I
(19) didn't know as an actor, you know, would he come
(20) back --

(21) Q. When you say --

(22) A. -- to see me again.

(23) Q. When you say "the anger," what do you
(24) mean by that?

(25) A. He was angry when it was clear I wanted

(1) - ANDREW HOLTZMAN - 36
(2) nothing to do with what he wanted to do, and the
(3) reaction to that -- I mean, the whole thing was ice
(4) cold, but it was anger and, you know, anger in the
(5) face. You could read that. You know. And it was
(6) severe before he turned and left, and got his stuff
(7) and left.

(8) MR. SCOLNICK: And I object to form at
(9) the last question.

(10) Q. Mr. Holtzman, you've agreed to testify
(11) here today, correct?

(12) A. Yes.

(13) Q. Why is it that you agreed to testify
(14) here today?

(15) A. I asked myself that question. I feel
(16) there was a reason that I gave enormous amounts of
(17) thought to when I first came out with this story to
(18) my friends on Facebook, which was November of 2017.
(19) It was the heat of the "Me Too" movement, but it was
(20) also a time when other accusations against
(21) Mr. Spacey were mounting up, and I agonized over
(22) "will it help me if state this?" So I decided to
(23) post -- make a post, not publicly, but on my
(24) friend's site -- I mean, only my friends that I
(25) invited in as friends on Facebook could read. And I

(1) - ANDREW HOLTZMAN - 37
(2) did that as kind of a way to purge, as a way to say
(3) it in whole sentences, paragraphs for the first time
(4) in many, many, many years. And, unfortunately or
(5) fortunately, I'm not sure which, even though it was
(6) just to my friends, the press picked up on it, which
(7) was not what I wanted, and I got a call from USA
(8) Today asking me if I wanted to speak to them about
(9) this, and I said, "I don't want this to be about me.
(10) I want it to be about the situation. The people who
(11) have come forward." And she promised me. And the
(12) article, while accurate, was all about me, which
(13) made me quite upset and angry, because that is not
(14) why I came forward. I came forward in the hopes
(15) that, A, friends would understand, maybe other
(16) friends would come forward with stories they had,
(17) and it's okay to do that no matter how many years
(18) later it is. But I didn't -- I didn't really want
(19) the press and I certainly didn't want the article to
(20) be about me, the earliest victim, which is what they
(21) headlined it, but it is what it is. And I don't
(22) regret coming forward and being a statistic and
(23) such, because there were a lot of people out there
(24) who knew me and knew I had integrity, and that it
(25) took a lot to do that, and so I got a lot of

(1)

- ANDREW HOLTZMAN -

38

(2)

support, which was helpful.

(3)

Q. Why is it that you're here today

(4)

recounting your story?

(5)

A. When I got a call from an interrogator,

(6)

I think his title is, whatever, that this case with

(7)

Mr. Rapp was active. I had no idea where any of

(8)

these cases stood, and wasn't in any way following

(9)

them, and he told me about you, Mr. Saghir, was

(10)

interested in talking to people who might want to be

(11)

witnesses at a potentially upcoming trial. I told

(12)

the investigator I'd take your call, I'd take

(13)

Peter's call, but I was really not planning on doing

(14)

this. I had done it enough. And Peter and I

(15)

spoke -- Mr. Saghir and I spoke and he told me more

(16)

about the Anthony Rapp case, and something stuck

(17)

with me that sort of hit a nerve, which was

(18)

Mr. Rapp's age at the time, which I had no idea of.

(19)

I was on the other end of that spectrum. I was the

(20)

oldest -- if not the oldest, of people Mr. Spacey

(21)

assaulted at 27. So it was easier in a way for me

(22)

to handle that. And a 14-year-old boy troubled me a

(23)

lot, and so I told Mr. Saghir I needed some time to

(24)

think about this. I needed to talk to my husband.

(25)

I just didn't know if I was ready for this. And he

(1) - ANDREW HOLTZMAN - 48

(2) Mr. Fowler's apartment -- in a bedroom in
(3) Mr. Fowler's apartment at a party in 1986?

(4) MR. SAGHIR: Objection to the form.

(5) Compound -- objection to the form. Compound,
(6) argumentative, and mischaracterizes the
(7) testimony.

(8) Q. You can answer, sir.

(9) A. Those were the basics pretty much that
(10) I was aware of, where it took place and -- and, you
(11) know, the location. Those were the basics that, you
(12) know, I retained in my head.

(13) Q. And is it your understanding that you
(14) retained in your head that Mr. Rapp is claiming he
(15) had an encounter with Mr. Fowler in a bedroom in
(16) Mr. Fowler's apartment?

(17) MR. SAGHIR: Objection to the form. No
(18) foundation. Mischaracterizing the testimony.

(19) A. Yes.

(20) Q. Did you know Mr. Rapp in 1986?

(21) A. No. I've never met him.

(22) Q. Were you aware of Mr. Rapp in 1986?

(23) A. I don't think so. I honestly don't
(24) remember the year I saw Rent or when it happened,
(25) but that was when I encountered him professionally

(1) - ANDREW HOLTZMAN -

49

(2) and that's the only way I encountered him.

(3) Q. Did you have any encounters with
(4) Mr. Fowler in 1986?

(5) A. No.

(6) Q. Do you know whether Mr. Rapp was ever
(7) at a party in Mr. Fowler's apartment in 1986?

(8) MR. SAGHIR: Objection. You're asking
(9) for his personal knowledge, correct?

(10) Just one moment.

(11) You're asking for his personal
(12) knowledge, correct, Chase?

(13) MR. SCOLNICK: Yeah.

(14) A. No.

(15) Q. Were you a percipient witness to any of
(16) Mr. Fowler's alleged interactions with Mr. Rapp?

(17) A. No.

(18) Q. Were you a percipient witness to any of
(19) Mr. Rapp's allegations?

(20) A. No.

(21) Q. Do you know whether Mr. Rapp is telling
(22) the truth or lying about his allegations?

(23) MR. SAGHIR: Objection to the form.

(24) A. I should answer?

(25) THE WITNESS: Mr. Saghir, should I

(1) - ANDREW HOLTZMAN - 58

(2) MR. SAGHIR: Objection to the form.

(3) Assuming facts not in evidence.

(4) Mischaracterizing testimony.

(5) A. No.

(6) Q. Is that the first time you're hearing
(7) this today?

(8) A. Yes.

(9) Q. Again, you have no firsthand
(10) information regarding Mr. Rapp's alleged
(11) interactions with Mr. Fowler, correct?

(12) MR. SAGHIR: Objection. Asked and
(13) answered numerous times.

(14) A. Correct.

(15) Q. How many times did you speak with
(16) Mr. Saghir?

(17) A. I think four times.

(18) Q. When did you first speak with
(19) Mr. Saghir?

(20) A. When he called me after the
(21) interrogator asked if I would be willing to take his
(22) call, and he called and he laid out what was going
(23) on down here, and that I said I needed time to
(24) process this, to decide whether I could, I wanted
(25) to, I should. And so we -- he gave me two more days

(1) - ANDREW HOLTZMAN - 59

(2) and then he called again, and I had some more
(3) questions about the process and agreed to do it.
(4) And then he said that we had to speak again, you
(5) know, before the deposition and we spoke two more
(6) times.

(7) Q. When did the interrogator first contact
(8) you?

(9) MR. SAGHIR: For clarity, Mr. Holtzman,
(10) do you mean investigator or interrogator?

(11) THE WITNESS: I mean investigator. I
(12) get this wrong all the time. Investigator.
(13) Sorry.

(14) A. I'm not sure of the exact date. I
(15) think it was on or about -- it was right near the
(16) Christmas holiday. So maybe the 26th? I could look
(17) back, but it was -- it was right at that time in
(18) December --

(19) Q. Did you --

(20) A. -- that weekend.

(21) Q. Sorry.

(22) Did you communicate with Mr. Saghir or
(23) anyone working on Mr. Rapp's behalf in writing?

(24) A. No. The only e-mail -- we never texted
(25) and we called. He just asked me to send him a

(1) - ANDREW HOLTZMAN - 61

(2) After speaking with Mr. Saghir about
(3) Mr. Rapp's allegations and case against Mr. Fowler
(4) you agreed to appear as a witness on Mr. Rapp's
(5) behalf, right?

(6) A. Yes.

(7) Q. If you learned that Mr. Rapp's
(8) allegations against Mr. Fowler are probably false,
(9) would you still have been willing to come forward
(10) and speak as a witness on Mr. Rapp's behalf?

(11) MR. SAGHIR: Objection to the form of
(12) the question. Argumentative. Calls for
(13) speculation. Vague.

(14) A. Yeah, I mean, that's so hypothetical I
(15) don't know if I could respond to that.

(16) Q. Okay. Under any circumstances would
(17) you speak as a witness and agree to appear as a
(18) witness on behalf of a -- on behalf of a person
(19) who's making an allegation that was probably false?

(20) MR. SAGHIR: Objection to the form.
(21) Argumentative. Calling for speculation.

(22) A. I mean, I think that's why you -- you
(23) guys are deposing people right now. We don't know.
(24) No one knows. I certainly don't know.

(25) So, you know -- there's nothing else to

(1) - ANDREW HOLTZMAN - 68

(2) were any witnesses to Mr. Rapp's claims?

(3) **A. No.**

(4) Q. Did Mr. Saghir tell you whether anyone
(5) saw Mr. Rapp allegedly at a party at Mr. Fowler's
(6) apartment?

(7) **A. No.**

(8) Q. Did Mr. Saghir tell you that Mr. Rapp
(9) has been unable to identify a single witness who
(10) could confirm that he was at Mr. Fowler's apartment
(11) at a party?

(12) **MR. SAGHIR: Objection. Compound.**

(13) **Argumentative.**

(14) **A. No.**

(15) Q. Do you remember anything else
(16) Mr. Saghir told you about Mr. Rapp's allegations
(17) against Mr. Fowler?

(18) **A. No, except something about that they**
(19) **were not -- it could not any longer be criminal, so**
(20) **they were at another level, the accusation and the**
(21) **lawsuit.**

(22) Q. Did Mr. Fowler tell you why Mr. Rapp is
(23) bringing this lawsuit against Mr. Fowler?

(24) **A. Not directly, not beyond the obvious.**

(25) **Q. What, if anything, did Mr. Saghir tell**

(1) - ANDREW HOLTZMAN - 69

(2) you about why Mr. Rapp was bringing this lawsuit
(3) against Mr. Fowler?

(4) A. He was looking for reparations for an
(5) assault that happened on him at a young age.

(6) Q. And Mr. Saghir told you that?

(7) A. Yeah, more or less.

(8) Q. Okay. You said "more or less." What
(9) specifically did Mr. Saghir tell you about Mr. Rapp
(10) allegedly seeking reparations?

(11) A. That there was a large sum of money
(12) involved in -- in his case, in his ask for this
(13) trial.

(14) Q. Did Mr. Saghir --

(15) A. That, I didn't know.

(16) Q. Sorry. Go ahead.

(17) A. Yeah. It was something I didn't know,
(18) so, yes, he did mention that.

(19) Q. Did he tell you that Mr. Rapp is
(20) seeking \$40 million from Mr. Fowler?

(21) A. Yeah.

(22) Q. Did Mr. Saghir offer to represent you?

(23) A. No.

(24) Q. Did Mr. Saghir suggest that anyone in
(25) his office could represent you?

(1)

- ANDREW HOLTZMAN -

71

(2)

Q. And he also told you that it was

(3)

possible to make claims for large amounts of money

(4)

against Mr. Fowler, correct?

(5)

MR. SAGHIR: Objection. Misstating

(6)

testimony.

(7)

A. No. I mean, again, I had not known

(8)

that Mr. Rapp had -- was asking for money or how

(9)

much, and I really don't care about that. You know,

(10)

he asked for what he feels is right for him.

(11)

Q. Would you agree --

(12)

A. -- like me or my opinion, testifying at

(13)

all.

(14)

Q. Would you agree that \$40 million is a

(15)

large amount of money?

(16)

A. Yes, of course.

(17)

Q. And before Mr. -- I'm sorry. Strike

(18)

that.

(19)

At what point did Mr. Saghir tell you

(20)

that \$40 million was what Mr. Rapp was asking for?

(21)

A. At what point in our conversations?

(22)

Q. Yeah.

(23)

A. I'm not sure. It's -- you know, it was

(24)

probably near the beginning because first we were

(25)

talking about the case and then we were talking

(1)

- ANDREW HOLTZMAN -

72

(2)

about me.

(3)

Q. So before Mr. Saghir told you that

(4)

\$40 million was at play here did you agree to

(5)

testify for Mr. Rapp?

(6)

MR. SAGHIR: Objection to the

(7)

statement. Mischaracterizing testimony.

(8)

Compound. Completely mischaracterizes what

(9)

the witness just said.

(10)

A. Repeat the question. I'm sorry.

(11)

Q. Sure. Before Mr. Saghir told you that

(12)

his client was asking for \$40 million did you agree

(13)

and tell Mr. Saghir that you would testify for

(14)

Mr. Rapp in this case?

(15)

A. Yes. I had agreed in a previous

(16)

conversation that I would do this. It was in the

(17)

following conversation, the third of our four, where

(18)

this specific conversation then came up.

(19)

Q. Did you testify a moment ago that it

(20)

was during one of your earliest conversations where

(21)

Mr. Saghir told you about the case, including the

(22)

\$40 million?

(23)

MR. SAGHIR: Objection. Compound.

(24)

A. It was in the --

(25)

MR. SAGHIR: Argumentative. Form.

(1) - ANDREW HOLTZMAN - 73

(2) A. It was in the -- it was one of the
(3) earliest things that were brought up in our third
(4) conversation which was where I was debriefed on what
(5) you guys are doing here and then gathering
(6) information on my own experience.

(7) Q. So during what conversation did
(8) Mr. Saghir tell you that his client was seeking
(9) \$40 million?

(10) MR. SAGHIR: Objection. Asked and
(11) answered. He just testified to that.

(12) A. In our third conversation.

(13) Q. How long was your first conversation
(14) with Mr. Saghir?

(15) A. I would -- I mean, I would say maybe
(16) 10 minutes. 10, 15 minutes.

(17) Q. What did you discuss in that 10- to
(18) 15-minute conversation?

(19) A. We discussed what he was doing, he
(20) discussed this case and that he was looking for
(21) witnesses willing to come forward to provide other
(22) background for this case and for Mr. Spacey's
(23) behavior in general. And, you know, I understood
(24) that, I was aware that Rapp had filed suits. I
(25) hadn't heard anything about what was going on with

(1) - ANDREW HOLTZMAN - 79

(2) making the effort to remember much more clearly is
(3) an effort, it's big, to really dig and bring it
(4) back.

(5) So in the context of what I was saying
(6) was Mr. Rapp's age was 14 and, you know, and for him
(7) to go back and bring that back into his life -- he's
(8) younger than me, obviously, you know, it impacted me
(9) negatively in terms of I felt really badly for him
(10) and if my sharing my story could in any way help, I
(11) would.

(12) Q. So what, if any, issues have you had
(13) recalling the allegations you told us today about
(14) your interactions with Mr. Fowler in 1981?

(15) A. You know, going back and remembering
(16) what the office looked like and the layout of the
(17) desks and where the window was. I mean, you know,
(18) this is not something I focused on in 40 years, so
(19) the -- the act itself was much easier to recall.
(20) Mr. Saghir asked for a lot of detail, and when I
(21) could comfortably provide it, I did, and when I
(22) couldn't, I didn't. I don't remember the color of
(23) certain things, but it -- you know, it's human
(24) nature to not remember all details of something that
(25) happened so long ago, particularly if it's somewhat

(1) - ANDREW HOLTZMAN - 80
(2) traumatic in nature.
(3) So, for me, bringing it back in 2017
(4) was very healthy because I buried a lot of stuff, I
(5) never really spoken it out in paragraphs; I had just
(6) sort of put it in a place. And I thought I had
(7) again, but here I am, because you never put it away
(8) completely, especially when it is somebody who is
(9) well known or has been well known and you encounter
(10) them without wanting to, on the screen, at the
(11) Oscars, on television. So every time that happens
(12) in life it has further impact.

(13) Q. And is it your testimony that you
(14) believe you're accurately recalling the details that
(15) you told us about today?

(16) A. Yes.

(17) MR. SAGHIR: Chase, at an appropriate
(18) time could we take a five-minute break,
(19) please?

(20) MR. SCOLNICK: Sure. Let's do it now.
(21) Let's go off the record.

(22) THE VIDEOGRAPHER: This concludes Video
(23) Number 1 of the deposition of Andrew
(24) Holtzman. We are off the record 1:07 p.m.,
(25) January 7, 2020.

(1) - ANDREW HOLTZMAN - 128

(2) Q. During the time you had that post, the
(3) film production post, was anyone else permanently
(4) stationed in that office other than you?

(5) A. No, no. It was a guest office. It was
(6) a guest desk.

(7) Q. In your office, right?

(8) A. Yeah. And the other desk in the
(9) office.

(10) Q. During that period of time when you had
(11) the film production post, do you recall anyone
(12) sitting at the guest desk for more than a month?

(13) A. No. It was -- it was usually a day or
(14) something like that, or lunch, or something like
(15) that, although some would come back.

(16) There was one guy they did -- I don't
(17) know if you know him. He was a pop star and he did
(18) Pirates of Penzance at The Public. Rick Smith. He
(19) was there on a more regular basis and he was a great
(20) guy, really friendly. You know, we had a lot of fun
(21) chatting and stuff.

(22) And my favorite experience of a guest
(23) at my -- in my guest desk -- on my guest desk was
(24) Linda Ronstadt. She took a role out in Pirates of
(25) Penzance and it was really cool just to have some

(1) - ANDREW HOLTZMAN - 129
(2) private time with Linda and chat. But mostly it was
(3) people I didn't know or, you know, what they did
(4) exactly who would come and spend X amount of time
(5) there.

(6) Q. So how many people do you think used
(7) that desk while you held that office?

(8) A. Before it stopped being public, I would
(9) say 50, you know, maybe, something like that,
(10) because people didn't go there and move in. They
(11) went there to eat their sandwich or to make a call
(12) or something like that. I mean, it was that fluid.
(13) It wasn't meant that you were given that desk for a
(14) month or something like that.

(15) Q. Would people just come up just to use
(16) the phone?

(17) A. Sure. There was no cell phones back
(18) then, so they needed a phone, so...

(19) Q. Would actors come into the office to
(20) use the phone?

(21) A. Yes. Yeah. Actors, production people,
(22) you name it. You know, anybody who had a reason to
(23) be in The Public Theater and didn't have an office
(24) was game.

(25) Q. What else was on the floor of your

(1) - ANDREW HOLTZMAN - 155

(2) going to be media worthy. But I guess the up side
(3) of that to me -- I think this is answering your
(4) question -- is it could only be a good thing.

(5) Q. Do you think that prominent
(6) entertainers who are in the closet have a
(7) responsibility to come out and help others?

(8) MR. SAGHIR: Note my objection as to
(9) the vagueness of the question and calling for
(10) speculation.

(11) A. Again, it's my opinion. I don't think
(12) anybody has an obligation. Everybody has the right
(13) to live their life the way they want to live it
(14) ultimately. We all might be judgmental of how that
(15) person has chosen to live their life or that person
(16) has chosen to live their life, but is there an
(17) obligation? No. I mean, there's no written law
(18) that says you have to come out, that you have to be
(19) an out gay person, a happy gay person, a sad gay
(20) person. So, no, I mean, there's no obligation, but
(21) I think, as you said, you know, when you see that
(22) sort of thing and it tends to get publicity it can
(23) only be a good thing.

(24) Q. So referring to 1981, I'd like to talk
(25) to you about your allegations against Mr. Fowler.

(1) - ANDREW HOLTZMAN - 156
(2) Okay?
(3) A. Okay.
(4) Q. In 1981 you were 27, 28 years old; is
(5) that right?
(6) A. 27.
(7) Q. And when did you turn 28?
(8) A. The following September.
(9) Q. September --
(10) A. September 15th.
(11) Q. 19- --
(12) A. I'm sorry?
(13) Q. You turned 28 September 15, 1981?
(14) A. Yep.
(15) Q. In 1981 you were a grown man, right?
(16) A. Yeah.
(17) Q. Did you grow facial hair by 1981?
(18) A. I could. I didn't have a mustache or a
(19) beard, but I shaved.
(20) Q. Did you have chest hair by 1981?
(21) A. I did.
(22) Q. Do you believe you resembled a child in
(23) 1981?
(24) A. I think I looked younger than I was,
(25) but by no means a child.

(1) - ANDREW HOLTZMAN - 157

(2) Q. Did people confuse you as a child in

(3) 1981?

(4) A. No.

(5) Q. How tall were you in 1981?

(6) A. 5-foot-8.

(7) Q. And how much did you weigh?

(8) A. At that time probably about 138.

(9) Q. In 1981 you hadn't ever seen Mr. Fowler

(10) in a big production movie, right?

(11) A. In 1981, no.

(12) Q. In 1981 you haven't seen Mr. Fowler in

(13) any movie, right?

(14) A. Right.

(15) Q. In 1981 you haven't seen -- you hadn't

(16) seen Mr. Fowler in a television program before?

(17) A. Not that I recall, no.

(18) Q. In 1981 you hadn't seen Mr. Fowler in

(19) any print ads before, right?

(20) A. No.

(21) Q. In 1981, other than the Shakespeare

(22) Festival play Henry IV, you hadn't seen Mr. Fowler

(23) in any plays either, right?

(24) A. No.

(25) Q. To your knowledge Henry IV was the

(1) - ANDREW HOLTZMAN - 158

(2) first professional acting job Mr. Fowler ever had,
(3) right?

(4) A. I honestly don't know that. I know
(5) that it was an early job in his career, but I don't
(6) know that it was the first.

(7) Q. I'm just asking you what you knew in
(8) 1981. Did you -- were you aware of Mr. Fowler
(9) acting in any plays before Henry IV?

(10) A. No. Not that I know, not that I can
(11) recall.

(12) Q. Did you believe Mr. Fowler was a
(13) nationally known actor in 1981?

(14) A. I didn't believe anything about him
(15) really. As I said -- well, you'll ask me, so go
(16) ahead.

(17) Q. Did you know Mr. Fowler to be a
(18) nationally known actor in 1981?

(19) A. No.

(20) Q. Did you know him to be an A-list
(21) celebrity in 1981?

(22) A. No.

(23) Q. Referring to Henry IV, Mr. Fowler was
(24) not the star of the play, was he?

(25) A. No.

(1) - ANDREW HOLTZMAN - 160

(2) Q. Is it your testimony today that you can
(3) recall no interaction with Mr. Fowler before you
(4) claim that he came in your office?

(5) A. Yes.

(6) Q. Let's talk about what happened when you
(7) claim Mr. Fowler came in your office. This was a
(8) weekday, Thursday?

(9) A. Yeah, a workday. Yes.

(10) Q. And do you remember what time of day it
(11) was?

(12) A. I don't recall whether it was morning
(13) or afternoon, but it was definitely early work hours
(14) during the workday.

(15) Q. Did you know anyone else in the cast of
(16) Henry IV?

(17) A. No.

(18) Q. Are you claiming Mr. Fowler came into
(19) your office before or after your lunch break that
(20) day?

(21) A. As I said, I can't remember whether it
(22) was morning or afternoon, but I can remember I was
(23) on the phone.

(24) Q. What were your normal hours during that
(25) period of time?

(1) - ANDREW HOLTZMAN - 161

(2) A. Normal hours, I'd say 9:00 a.m.-ish to
(3) 5:00 p.m.-ish. And if there was a film running, I
(4) would be there for the evening show to at least to
(5) get it started, so then it would be more like 7:00
(6) or 8:00 that I would leave. So I might come in a
(7) little later.

(8) Q. Are you claiming this happened when it
(9) was light outside or at night?

(10) A. It was during daytime and working
(11) hours.

(12) Q. Would you normally take a lunch?

(13) A. Yes, sometimes. I would sometimes take
(14) a lunch, sometimes take a lunch back to my office,
(15) it depended, or go out to lunch with others.

(16) Q. Was there a cafeteria?

(17) A. No.

(18) Q. So when you said take a lunch back to
(19) your office that meant going to the corner or
(20) something and buying --

(21) A. Yeah. There was a deli on the corner
(22) of Lafayette and Astor Place.

(23) Q. And you claim when Mr. Fowler came into
(24) your office you were on the phone?

(25) A. I was. I was finishing up a call.

(1) - ANDREW HOLTZMAN - 172

(2) Q. How many chairs were at your desk?

(3) A. One.

(4) Q. How many chairs were at the other desk?

(5) A. One.

(6) Q. Okay.

(7) A. There was a chair in front of my desk,

(8) so if I had a guest and I could talk to them. There

(9) was one desk chair.

(10) Q. And you said after you got off your

(11) call you stood up?

(12) A. Yes. I stood up. I noticed he was

(13) looking at me and I thought it was to say hi. I was

(14) pretty sure I knew who he was. As I said, I cannot

(15) recollect exactly how I knew that, but I knew that

(16) and so I thought he was going to say hello,

(17) introduce himself, as normally happened when I had

(18) guests in my office. He said nothing, except

(19) started to approach me.

(20) So I had finished my call, stood up to

(21) basically say something to him, dialogue, hello,

(22) whatever, and instead he walked toward me.

(23) Q. Would you normally stand up and greet

(24) people who came into your office?

(25) A. It depends because I'm not always on

(1) - ANDREW HOLTZMAN - 173

(2) the phone, so sometimes they'd come in, they'd see
(3) me on the left-hand side and say hi immediately,
(4) introduce themselves, or if I was busy, whatever,
(5) they'd go to the desk. So, yeah, I would usually,
(6) but in this case it seems correct, seemed like the
(7) right thing to do.

(8) Q. Did you stand up before you claim
(9) Mr. Fowler stood up?

(10) A. I stood up before he did.

(11) Q. Did you say anything to Mr. Fowler?

(12) A. Not yet.

(13) Q. Why did you not say something to
(14) Mr. Fowler after?

(15) A. Because he was beginning to stand up
(16) and he had been looking at me, so I was about to
(17) when he started walking towards me and then I -- I
(18) saw why he was walking towards me. His jeans were
(19) extremely tight and it was extremely apparent that
(20) he had a huge erection that stopped me from saying
(21) anything else. I just knew that was being
(22) billboarded.

(23) Q. Did you say you knew it was being
(24) billboarded?

(25) A. I knew he was billboarding his erect

(1) - ANDREW HOLTZMAN - 174

(2) penis.

(3) Q. What is that? I'm not familiar with
(4) that term. What does that mean, to billboard?

(5) A. Billboard means to show off, to
(6) showcase.

(7) Q. Are you claiming Mr. Fowler took off
(8) his pants?

(9) A. He did not take off --

(10) MR. SAGHIR: Objection.

(11) Mischaracterizing testimony.

(12) A. He was wearing tight pants and the
(13) erection was painfully apparent. You would have to
(14) be blind not to have seen that he was extremely
(15) excited.

(16) Q. Do you claim that you saw Mr. Fowler's
(17) erection when he walked in?

(18) A. No, I did not. I barely saw him at all
(19) when he went to the desk.

(20) Q. Are you claiming you saw Mr. Fowler's
(21) erection when he was sitting down?

(22) A. No. I saw it when he started to
(23) approach me.

(24) Q. Did you hang up the phone before you
(25) stood up?

(1) - ANDREW HOLTZMAN - 175

(2) A. Yes.

(3) Q. And after hanging up the phone, looking
(4) over and seeing Mr. Fowler sitting down at the other
(5) desk, did you say anything to him?

(6) A. No, I did not at that point. I stood
(7) up, I was kind of waiting to see if he was going to
(8) say something; instead he walked toward me.

(9) Q. You said at this point that you knew
(10) who Mr. Fowler was, right?

(11) A. Yes. I knew him as Kevin Spacey. I
(12) knew the name; I knew the face.

(13) Q. How many actors -- sorry. Go ahead.
(14) How many actors were acting in Henry IV
(15) that summer?

(16) A. I -- I have no idea as I didn't see the
(17) production, but there's usually well cast.

(18) Q. Did you see any rehearsals?

(19) A. No.

(20) Q. How is it that you claim you knew who
(21) Mr. Fowler was if you didn't see the production and
(22) you didn't see any rehearsals and you've never seen
(23) him act or appear in anything else?

(24) MR. SAGHIR: Objection to the form of
(25) the question as compound and argumentative.

(1) - ANDREW HOLTZMAN - 176

(2) A. What I could say, what The Public
(3) Theater did before was during every rehearsal
(4) process was distribute the programs of the shows to
(5) the staff so they could see. Do I have a distinct
(6) recollection that I went the Henry IV program which
(7) was distributed and saw Mr. Spacey's face, no, but
(8) it makes a whole lot of sense. I do not -- I'm
(9) being honest -- do not absolutely recall seeing that
(10) program, but it makes a lot of sense that that
(11) program had been distributed and left on my desk in
(12) the previous week or two or whatever.

(13) Q. Sitting here today do you have any
(14) specific recollection of looking at the program for
(15) Henry IV?

(16) A. I don't. I have a specific
(17) recollection of looking at a lot of the programs to
(18) be -- one reason being because I was the film
(19) program coordinator. My name was in every program
(20) when they listed the staff of The Public Theater.
(21) So I know I would always go in to check if my name
(22) was there. You know, just a little bit of ego. But
(23) I looked at them a lot. But I can't remember. I'm
(24) sorry. I'm going to get some more water.

(25) MR. SCOLNICK: Sure. Why don't you

(1) - ANDREW HOLTZMAN - 183

(2) desk.

(3) Q. How high were you lifted off the
(4) ground?

(5) A. As tall as the desk is. I was -- not
(6) much at all because the desk was not very high, but
(7) it took me off balance.

(8) Q. For how long do you claim Mr. Fowler
(9) lifted you in the air was?

(10) A. A -- a nanosecond.

(11) Q. Sitting here today do you remember
(12) where you claim Mr. Fowler's other hand was?

(13) Sorry. There's some dogs in the
(14) background here?

(15) A. I'm not sure. Could you repeat the
(16) question.

(17) Q. Sure. You claim that Mr. Fowler's one
(18) hand grabbed you by your crotch and lifted you in
(19) the air onto the desk, right?

(20) A. Right. And then at least there was no
(21) reason to continue to hold my crotch. It was used
(22) to leverage me up and then he was pretty much on top
(23) of me.

(24) Q. When you claim Mr. Fowler's one hand
(25) was lifting you up in the air by your crotch on the

(1) - ANDREW HOLTZMAN - 187

(2) A. I protested immediately. I would say
(3) he didn't desist immediately. I would say 3 to
(4) 5 seconds max before he realized this was not going
(5) to be consensual and he got off me.

(6) Q. You're claiming the door was open when
(7) this happened, to your office?

(8) A. Yes.

(9) Q. Did anyone come in when you were
(10) allegedly screaming?

(11) A. No. There was nobody around at the
(12) time or I'm sure they would have.

(13) Q. Where was Mr. Fowler? Where was his
(14) body when you claim you were lying down on this
(15) desk?

(16) A. He was partially on top of me,
(17) gyrating, grinding.

(18) Q. Are you alleging that Mr. Fowler's feet
(19) were off the ground?

(20) A. No. No. It was a very awkward,
(21) uncomfortable situation. I don't know whether it
(22) was meant to excite, terrify, or do whatever, but it
(23) was awkward. It was -- it was not comfortable for
(24) either of us, I'm sure, so it was an awkward
(25) physical connection.

(1) - ANDREW HOLTZMAN - 195
(2) 15 years, and then he moved to Austin, Texas, to run
(3) a theater company, so we had kind of lost touch,
(4) but, you know, we still occasionally communicated
(5) through Facebook or something like that.

(6) Q. Okay. So Jim Bianchi is the first
(7) person you claim you told, right?

(8) A. Yes.

(9) Q. And if I understand this correctly, the
(10) first person you claim you told about this would
(11) have been in 1981?

(12) A. No. Because we weren't living together
(13) yet. It was like 1983. Jim had come out to be with
(14) me in California.

(15) Q. Okay. And the person you claim you
(16) told in 1983 is no longer alive, right?

(17) A. Correct.

(18) Q. Did you put it in writing in any of
(19) your communications to Mr. Bianchi regarding your
(20) allegations against Mr. Fowler?

(21) A. I did not.

(22) Q. You mentioned earlier something about
(23) keeping notes of your work at The Public Theater.
(24) Did you keep a journal at all during those years
(25) that you worked at The Public Theater?

(1) - ANDREW HOLTZMAN - 196

(2) A. That's a very good question. I have a
(3) journal that's falling apart. I don't know the
(4) years that I kept it. I can definitely find it and
(5) see if this incident was included. I mean, when I
(6) kept my journal I certainly wrote the good, the bad,
(7) and the ugly in there. I honestly don't know if I
(8) wrote about this in that journal, but I could get it
(9) and find out if I had actually written it down, the
(10) incident.

(11) Q. Do you throw away your journals?

(12) A. No. I just -- I stopped keeping them a
(13) long time ago.

(14) Q. I just want to make sure I understand.
(15) The answer is you stopped writing in journals a long
(16) time ago, but you don't throw away --

(17) A. I have -- I have two dog-eared journals
(18) from way back that I haven't looked at in decades,
(19) but I still have them, so I could look at them.

(20) Q. Okay. Do you recall -- sitting here
(21) today, do you recall writing these allegations in
(22) that journal?

(23) A. No. I do not.

(24) Q. Okay. So going back to that day, I
(25) just want to make sure the record is clear, you

(1) - ANDREW HOLTZMAN - 197

(2) didn't tell anyone at the theater that day about
(3) your allegations, right?

(4) A. Correct.

(5) Q. Okay. Did you tell Joe Papp about your
(6) allegations against Mr. Fowler?

(7) A. No, I did not.

(8) Q. Did you tell Emmett Foster about your
(9) allegations against Mr. Fowler?

(10) A. No.

(11) Q. Did you tell Mr. Weiss about your
(12) allegations against Mr. Fowler?

(13) A. Not at that time. Eventually, yes, I
(14) did.

(15) Q. When did you tell Mr. Weiss?

(16) A. I cannot tell you when. I don't know
(17) when, but over the years when I did speak of it I
(18) spoke of it to people who were close to me, like
(19) Mitch. I don't know when. It was a while, it was a
(20) while. I didn't tell anybody for a couple of years.
(21) And then ensuing years, as I began to encounter
(22) Mr. Spacey in cameo roles and starring roles and
(23) Oscar-winning roles, that's when it tended to come
(24) up again and I would talk to friends about it.

(25) Q. It was before --

(1) - ANDREW HOLTZMAN - 199

(2) this a little bit more, but, as I said, from a tiny
(3) point of view, since it's very hard to pinpoint
(4) this, it was when Spacey started to appear, to, you
(5) know, become a movie actor of some note.

(6) In the late eighties there were cameos
(7) that, you know, I went -- I had a holy shit moment
(8) when I saw him, and I'm not sure what it was. Dead
(9) Heat, Dead End, and Working Girl. You know, I
(10) remember those just being like a little, woah, there
(11) he is. I didn't even know he was in these films.
(12) So that's sort of when it brought it back up to the
(13) surface and it became something that I
(14) conversationally, in the right circumstance and the
(15) right conversation, would bring up.

(16) Q. In fact, you told the press this is a
(17) story you share at parties, right?

(18) A. Dinner parties, not parties, and it
(19) was -- you know, it was an intimate conversation.
(20) It wasn't "Let's laugh about this" conversation. I
(21) brought it up with the appropriate people because
(22) it's not exactly the kind of subject matter you want
(23) to talk about over dinner, but just like you get
(24) into political conversations. I'm not sure what it
(25) was, but my attempt was not necessarily to bring it

(1) - ANDREW HOLTZMAN - 200
(2) up at the dinner I was going to; it came up. And it
(3) was helpful to get other people's impressions about
(4) the experience and their own experiences if they had
(5) any.

(6) Q. Did you tell the press that this was
(7) kind of a funny story you'd share with friends?

(8) A. It wasn't a funny story, but after
(9) decades, you know, it was almost amusing in a sense
(10) that this guy is becoming a big star and, you know,
(11) I knew him when. You know, it was that kind of
(12) thing. It was we can be morbid about this or
(13) discuss it as adults and maybe even have a laugh
(14) over it, yeah, because we're human.

(15) You know, I wasn't -- my life wasn't
(16) destroyed. It was more shocking than it was
(17) traumatizing. So it didn't seem inappropriate to do
(18) that and that's why I said that to the press,
(19) because it was true.

(20) Q. You're not denying that you told the
(21) press that this is a funny story, right?

(22) A. I can't -- I don't know if you're
(23) looking at my quote, but context is everything, if
(24) that was what I actually said and whatever it is
(25) you're looking at. Funny is not the correct word

(1) - ANDREW HOLTZMAN - 201
(2) for this. You know, you look back decades later and
(3) you have a different attitude about it, you start
(4) coming out about it, no pun intended, and it becomes
(5) a little easier, a little lighter, once it's seen
(6) the light of day.

(7) Q. So going back to who you shared these
(8) allegations with, do you recall sharing these
(9) allegations with anyone while you were working at
(10) The Public Theater?

(11) A. No, I did not. I put it away in my
(12) head. I buried it. It took months to do it. It
(13) never happened.

(14) Q. So the answer to my question is, no,
(15) you never told anyone while you were working at the
(16) theater, right?

(17) A. Correct.

(18) Q. Okay. Tim Chandler, where do you
(19) believe you were working when you allegedly told
(20) Mr. Chandler about these allegations?

(21) A. It was probably after I came back from
(22) Los Angeles and was working again in New York in
(23) television syndication. You know, I moved out to
(24) LA, I separated from many of my New York friends.
(25) Again, it was not something -- it was something that

[Page 202]
January 7, 2022

(1) - ANDREW HOLTZMAN - 202

(2) came up again more when we were seeing Mr. Spacey,
(3) again doing his work, so that was what put it more
(4) top of my mind again.

(5) Q. When did you -- that was what my next
(6) question: When do you recall seeing Mr. Spacey in
(7) movies or when you next became aware of him?

(8) A. My -- my earliest recollection in the
(9) eighties was I think it was Working Girl and he had
(10) a -- didn't have a big part, but it was him and, you
(11) know, I just had my holy shit moment, that's him.
(12) You know, he's working. That's all. And, you know,
(13) that's an earlier recollection. He exactly wasn't a
(14) star, but everything after that was -- he had a good
(15) run in the nineties.

(16) Q. Sitting here today do you have a
(17) specific recollection of sharing your allegations
(18) with anyone before the nineties?

(19) MR. SAGHIR: Objection. Aside from
(20) what he testified about Mr. Bianchi?

(21) A. Aside from Jim, no, no one.

(22) Q. Do you remember who the next person was
(23) that you told after Jim?

(24) A. No. No. And I can't remember the
(25) dinner party either. I just know that it came up.

(1) - ANDREW HOLTZMAN - 209
(2) told about your allegations that you haven't
(3) mentioned to us yet?

(4) A. Probably. I'd have to go back --
(5) excuse me. I'd have to go back and give it some
(6) thought. You know, I had a lot of friends over the
(7) years. I'm sure -- I'm absolutely sure there are
(8) more. I can try to dig up some more names.

(9) Q. Well, let me try this: Sitting here
(10) today do you recall telling anyone else other than
(11) the people you told so far?

(12) A. Are you talking back then or throughout
(13) the decades that have since passed?

(14) Q. How about from before you made your
(15) allegations public with USA Today, that period of
(16) time?

(17) A. Yeah, there are, and it's not that they
(18) come right to mind. One thing I can tell you, by
(19) process of elimination, when we took a break I went
(20) back to look at the comments on Facebook, which
(21) there are about 58, and none of those friends were
(22) aware. I had never let them know, but the specific
(23) names don't come immediately to mind. There are so
(24) many people through the years that, you know, I've
(25) encountered. I can say it's -- it's not a lot of

(1) - ANDREW HOLTZMAN - 210

(2) people. It's not a ton of people.

(3) Until I wrote what I wrote in Facebook
(4) in 2017 the majority of my friends were not aware of
(5) it at all, so I think that's one of the reasons it's
(6) hard for me to remember because I, luckily, have a
(7) lot of friends and I just don't remember the moments
(8) over the decades that I might have in a moment had a
(9) conversation with one or two of them over a drink,
(10) over dinner, just wherever.

(11) Q. Before 2017 how many people do you
(12) think you told?

(13) A. I would say maybe 20, maybe. It was
(14) not something I enjoyed talking about, just so you
(15) know, and, you know, it's not something that I made
(16) light of, even if I was able to laugh about it more
(17) than cry about it as the decades went by.

(18) Q. So you said you believe you've told 20
(19) people about your allegations before 2017. Other
(20) than the folks you've told us about so far, do you
(21) recall any other names you could give us?

(22) A. Not in the moment, but I can dig.

(23) Q. Well, this is your deposition and you
(24) are --

(25) A. It's now or never? It's now or never;

(1) - ANDREW HOLTZMAN - 211

(2) is that the deal?


(3) Q. No, I'm not saying that, but what I'm
(4) saying is this is my opportunity to question you
(5) before trial. So that's why I'm asking you now for
(6) any additional names. So just so the record is
(7) clear, you've told me the names that you remember
(8) now; is that right?

(9) MR. SAGHIR: Just note my objection to
(10) that question and to the commentary.
(11) Mr. Holtzman has been doing his best to
(12) recall names. You've been in possession of
(13) Mr. Holtzman's name, his address since his
(14) deposition notice was served in the 26(a)
(15) disclosure. You could have contacted
(16) Mr. Holtzman and asked him any of these
(17) questions you wanted to, so objection to your
(18) commentary.

(19) MR. SCOLNICK: And I object to the
(20) speaking objection.

(21) Q. Mr. Holtzman, do you have any
(22) recollection of telling anyone else before 2017 that
(23) you haven't told us about so far?

(24) A. I don't have a recollection. It's
(25) quite possible.

(1) CERTIFICATION 255
(2) STATE OF NEW YORK)
(3)) ss.:
(4) COUNTY OF NASSAU)
(5) I, KRYSTINA KORNAK, a Notary Public
(6) within and for the State of New York, do hereby
(7) certify:
(8) That ANDREW HOLTZMAN the witness(es)
(9) whose deposition(s) is(are) hereinbefore set forth,
(10) was(were) duly sworn by me and that such
(11) deposition(s) is(are) a true and accurate record of
(12) the testimony given by such witness(es).
(13) I further certify that I am not
(14) related to any of the parties to the action by blood
(15) or marriage; and that I am in no way interested in
(16) the outcome of this matter.
(17) IN WITNESS WHEREOF, I have hereunto
(18) set my hand this 20th day of January, 2022.
(19)
(20) 
(21) KRYSTINA KORNAK
(22)
(23)
(24)
(25)